



**COMMITTEE OF ADJUSTMENT  
OF THE CITY OF OTTAWA**

**DECISION**  
**MINOR VARIANCE / PERMISSION**  
(Section 45 of the *Planning Act*)

<b>Date of Decision</b>	October 28, 2022
<b>File Nos.:</b>	D08-02-22/A-00233 to D08-02-22/A-00235
<b>Owner:</b>	A&B Bulat Homes Ltd.
<b>Location:</b>	1357-1361 Kitchener Avenue
<b>Ward:</b>	16-River
<b>Legal Description:</b>	Lot 9 and Part of Goderich Street (formerly Grace Street) , Registered Plan 322
<b>Zoning:</b>	R1S
<b>Zoning By-law:</b>	2008-250

Notice was given and a Public Hearing was held on **October 19, 2022**, as required by the *Planning Act*.

**PURPOSE OF THE APPLICATIONS**

The Owner has filed Consent Applications (D08-01-22/B-00240 to D08-01-22/B-00242) which, if approved, will have the effect of creating three separate parcels of land for three new two-storey detached dwellings. The proposed parcels and detached dwellings will not be conformity with the requirements of the Zoning By-law.

**RELIEF REQUIRED**

The Owner requires the authority of the Committee for Minor Variances from the Zoning By-law as follows:

A-00233: 1357 Kitchener Ave., Parts 1, 3 and 4, proposed two-storey detached dwelling

- a) To permit an increased driveway width of ~~5.78 metres~~ **4.87 metres**, whereas the Zoning By-law permits a maximum driveway width of 3.0 metres.

A-00234: 1359 Kitchener Ave., Parts 2 and 5 to 11, proposed two-storey detached dwelling

- b) To permit an increased driveway width of ~~5.78 metres~~ **4.87 metres**, whereas the Zoning By-law permits a maximum driveway width of 3.0 metres.

A-00235: 1361 Kitchener Ave., Parts 12, 13 and 14, proposed two-storey detached dwelling

- c) To permit a reduced lot width of 8.27 metres, whereas the By-law requires a minimum lot width of 12.0 metres.
- d) To permit a reduced corner side yard setback of 1.50 metres, whereas the By-law requires a minimum corner side yard setback of 2.49 metres.
- e) To permit a reduced front yard soft landscaping area of 22.1% (~~10.1 square metres~~) **33.7% (16.94 square metres)**, whereas the By-law requires a minimum front yard soft landscaping area of 35% (~~15.95~~ **17.0** square metres).
- f) ~~To permit an increased driveway width of 4.09 metres, whereas the By-law permits a maximum driveway width of 3.0 metres.~~

The applications indicate that the Property is the subject of the above-noted Consent Applications under the *Planning Act*.

## **PUBLIC HEARING**

Prior to the Hearing on September 7, 2022, the Committee received an adjournment request from Siobhan Kelly, of the City's Planning, Real Estate and Economic Development Department, on the basis that additional variances are required, or plans were to be revised to demonstrate compliance.

At the Hearing, the Committee heard from Mike Segreto, Agent for the Applicant, who confirmed that they would revise the plans on file to comply with the requirements of the Zoning By-law.

With the concurrence of all parties the application was adjourned to the Hearing scheduled for October 19, 2022.

At the renewed hearing on October 19, the Chair administered an oath to Michael Segreto, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.

The Chair confirmed that the application should be amended as follows:

- a) To permit an increased driveway width of ~~5.78 metres~~ **4.87 metres**, whereas the Zoning By-law permits a maximum driveway width of 3.0 metres.
- b) To permit an increased driveway width of ~~5.78 metres~~ **4.87 metres**, whereas the Zoning By-law permits a maximum driveway width of 3.0 metres.
- e) To permit a reduced front yard soft landscaping area of ~~22.1% (10.1 square metres)~~ **33.7% (16.94 square metres)**, whereas the By-law requires a minimum front yard soft landscaping area of 35% (~~15.95~~ **17.0** square metres).
- f) ~~To permit an increased driveway width of 4.09 metres, whereas the By-law permits a maximum driveway width of 3.0 metres.~~

With the concurrence of all parties, the application was amended accordingly.

Mr. Segreto advised that the rationale for the additional driveway width was to allow a second car to be parked in the driveway, rather than on the road.

Also in attendance was Siobhan Kelly, from the City's Planning, Real Estate and Economic Development Department.

#### **DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED AS AMENDED**

The Committee considered any written and oral submissions relating to the applications in making its Decision.

The Committee has the power to authorize a minor variance from the provisions of the Zoning By-law if, in its opinion, the application meets all four requirements under subsection 45(1) of the *Planning Act*. It requires consideration of whether the variance is minor, is desirable for the appropriate development or use of the land, building or structure, and whether the general intent and purpose of the Official Plan and the Zoning By-law are maintained.

Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.

The Committee notes that the City's planning report raises "concerns" with variances (a) and (b), highlighting that "the increased driveway widths will contribute to a dominant parking configuration along the streetscape as the lots are narrow". However, the report acknowledges that "the revised driveways now meet the minimum soft landscaping requirement".

The Committee notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.

Considering the circumstances, the Committee finds that, because the proposal fits well in the area, the requested variances are, from a planning and public interest point of view, desirable for the appropriate development or use of the land, building or structure on the property, and relative to the neighbouring lands. The Committee also finds that, because the proposal respects the character of the area, the requested variances maintain the general intent and purpose of the Official Plan. In addition, the Committee finds that the requested variances maintain the general intent and purpose of the Zoning By-law because the proposal represents orderly development of the property that is compatible with the surrounding area. Moreover, the Committee finds that the requested variances are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

The Committee therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the revised plans filed, Committee of Adjustment date stamped September 27, 2022, as they relate to the requested variances.

#### **NOTICE OF RIGHT TO APPEAL**

To appeal this decision to the Ontario Land Tribunal (OLT), a completed appeal form along with payment must be received by the Secretary-Treasurer of the Committee of Adjustment by **November 17, 2022**, delivered by email at [cofa@ottawa.ca](mailto:cofa@ottawa.ca) and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,  
101 CentrepoinTE Drive, 4<sup>th</sup> floor, Ottawa, Ontario, K2G 5K7

The Appeal Form is available on the OLT website at <https://olt.gov.on.ca/>. The OLT has established a filing fee of \$400.00 per type of application with an additional filing fee of \$25.00 for each secondary application. Payment can be made by certified cheque or money order made payable to the Ontario Minister of Finance, or by credit card. Please indicate on the Appeal Form if you wish to pay by credit card. If you have any questions about the appeal process, please contact the Committee of Adjustment office by calling 613-580-2436 or by email at [cofa@ottawa.ca](mailto:cofa@ottawa.ca).

Only individuals, corporations and public bodies may appeal Decisions in respect of applications for consent to the OLT. A notice of appeal may not be filed by an unincorporated association or group. However, a Notice of Appeal may be filed in the name of an individual who is a Member of the Association or group on its behalf.

Please note that there are no provisions for the Committee of Adjustment or the OLT to extend the statutory deadline to file an appeal. If the deadline is not met, the OLT does not have the authority to hold a hearing to consider your appeal.

**DECISION SIGNATURE PAGE**  
**PAGE DE SIGNATURE DE LA DÉCISION**

**File Nos. / Dossiers n°:** D08-02-22/A-00233 to D08-02-22/A-00235  
**Owner / Propriétaire:** A&B Bulat Homes Ltd.  
**Location / Emplacement:** 1357 Kitchener Avenue

We, the undersigned, concur in the decision and the reasons set out by the Committee of Adjustment.

Nous, soussignés, souscrivons à la décision et aux motifs rendus par le Comité de dérogation.

***“Ann M. Tremblay”***

**ANN M. TREMBLAY**  
**CHAIR / PRÉSIDENTE**

***“Kathleen Willis”***

**KATHLEEN WILLIS**  
**MEMBER / MEMBRE**

***“Scott Hindle”***

**SCOTT HINDLE**  
**MEMBER / MEMBRE**

***“Colin White”***

**COLIN WHITE**  
**MEMBER / MEMBRE**

***Absent / Absente***

**JULIA MARKOVICH**  
**MEMBER / MEMBRE**

I certify that this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa.

Je certifie que celle-ci est une copie conforme de la décision rendue par le Comité de dérogation de la Ville d’Ottawa.

***Date of Decision / Date de la décision***  
**October 28, 2022 / 28 octobre 2022**



**Michel Bellemare**  
**Secretary-Treasurer / Secrétaire-trésorier**